

IDAHO SECOND JUDICIAL DISTRICT
MENTAL HEALTH COURT



PARTICIPANT HANDBOOK

July 2010 - Revised Edition

WELCOME

Welcome to the Mental Health Court (MHC) Program. This handbook is designed to answer questions and give you information about MHC.

In MHC you are expected to follow the instructions of the judge and the probation officer as well as to comply with the treatment plan agreed upon by you and your counselors. This handbook will tell you more about the MHC. You are encouraged to share it with your family and friends.

PROGRAM DESCRIPTION

Mental Health Court Program is an opportunity to participate in treatment programs for mental health and substance abuse while under close supervision by the court system. It is designed for adults with a diagnosis of mental illness who have committed a crime. Instead of going to jail, defendants are given the chance to stay in their community while getting help following their treatment plans. You will be closely supervised by mental health professionals, and may get treatment for substance abuse with frequent screening tests to check for drug/alcohol use. There is also close involvement with Probation and Parole, and with the court system. Participants in MHC will appear in court often (weekly in the beginning phases) to report to the judge about their progress. You are expected to be truthful throughout the duration of the program. The judge also receives reports from the MHC treatment providers, drug treatment counselors, and probation officers. The average length of the MHC is two years.

ELIGIBILITY CRITERIA

To be eligible to participate in the Mental Health Court you must:

- Be able to manage the structure of the program. On a case by case situation an IQ may be necessary to determine the ability for a client to participate in MHC program.
- Been charged with a crime and be identified as having mental illness for which treatment attempts have been unsuccessful.

You may be excluded from MHC if you have a history of violent crimes, or current criminal charges of violence.

You will be excluded from MHC if you have a history of sex offenses, or current criminal charges of a sexual nature.

HOW DO I GET INTO MENTAL HEALTH COURT?

Any member of the community may nominate someone for MHC. The first call should be to your attorney. Your attorney will decide if MHC is a good option for you, and your attorney will see that the screening process begins. After you have completed appointments with the necessary professionals an application will be given to the MHC team. If you are accepted into the program you will either continue with the attorney that you have been using or be appointed to a different attorney.

WHAT WILL HAPPEN IN COURT?

Usually you will be required to plead guilty, or enter an admission to a probation violation, before you are allowed to enter the MHC program. You will not be able to withdraw your guilty plea if you are terminated or voluntarily drop from the MHC program.

Once you are in the program you will be required to attend court every week, on Mondays, in the courtroom of Latah County Courthouse at 5:00 p.m. When you come to court you will be called by name to come to the defendant's table and have a conversation with the judge. The judge will ask you to say how you are doing in your program, and he will give you a chance to ask questions or to ask for help with any problems.

If you have been told to attend a community based drug/alcohol meeting or support group then you must bring your attendance card with you to court every time you come. If you have a job you need to bring a copy of your pay stub to show the judge that you are working.

All participants in the program attend court together. Family members and friends are invited to attend court with you.

WHAT DOES THE PROGRAM COST?

There is a fee for court attendance that is paid at the court clerk's counter and a probation supervision fee. Supervision fees will be paid as directed by the probation officer. Payment records will be reported to the judge as part of your progress reports. **All fees must be paid before advancement to the next phase and discharge from probation.**

PHASES

Treatment Phases for the first 18 months:

Phase One -Stabilization: The focus of this phase, anticipated to 4-6 months, is to engage and support the participant in their treatment plan.

Participants will:

- Appear in court once a week;
- Follow their treatment plan;
- Permit random unannounced home visits by probation officers or other law enforcement agencies;
- Attend counseling up to four days a week for 3 hours per day;
- Expect alcohol/drug screening tests up to 4 times per week (if this is part of your treatment plan);
- Obtain a sponsor if ordered by the court;
- Have 16 weeks sobriety;
- Attend community based drug/alcohol meetings or a support group if ordered by the court;
- Obtain employment or volunteer in the community if ordered by the court.
- Be subject to an 8 pm curfew;
- Comply with all terms and conditions of your probation agreement;
- Comply with any other requirements of the MHC program;
- Complete Phase 1 competencies before moving to Phase 2;

During Phase 1 you are expected to fully participate in MHC. Part of your treatment plan may include abstinence from drug and alcohol use and to develop the skills necessary to maintain this state. Treatment may also include taking medications as recommended and prescribed by health care professionals. To advance to Phase 2 you must have sixteen weeks of continuous clean urine screens, have a positive probation report, be recommended for promotion by the ACT team and by their treatment provider, have their court fees paid, and have all other Phase 1 requirements met.

Phase Two- Decision-Making: The focus of phase 2, anticipated to be 4-6 months, is to demonstrate a commitment to treatment and willingness to live within the law, and living without alcohol and other drugs.

Participants will:

- Appear in court once a week;
- Follow your treatment plan;
- Permit random unannounced home visits by probation officers or other law enforcement agencies;
- Attend groups and individual counseling-frequency as determined by the treatment provider;
- Be subject to random drug and alcohol screening tests;
- Attend community based drug/alcohol meetings or a support group if ordered by the court;
- Be subject to 9 pm curfew;
- Maintain either employment, volunteering or begin an education program if ordered by the court;
- Comply with all terms and conditions of your probation agreement;
- Comply with any other requirements of the MHC program;

To advance to Phase 3 participants must have a positive probation report, be recommended for promotion by the ACT team and by their treatment providers, have their court fees paid and have met all other phase 2 requirements. Part of your treatment plan may include abstinence from drug and alcohol use and to develop the skills necessary to maintain this state. Treatment may also include taking medications as recommended and prescribed your health care professional.

Phase Three - Community Transition: The focus of Phase 3, anticipated to be 4 to 6 months, will be on relapse prevention and maintaining a crime-free life. Emphasis will be on educational, social, and vocational training as needed. Participants will:

- Appear in court the first and third Wednesday of the month.
- Follow your treatment plan;
- Permit random, unannounced home visits by probation officer and other law enforcement agencies;
- Attend group and individual counseling – frequency is determined by the treatment providers;
- Be subject to random drug and alcohol screening tests (less frequent).
- Attend a community based drug/alcohol meetings or a support group if ordered by the court;
- Have 16 weeks sobriety;
- Be subject to 10 pm curfew;
- Maintain employment, volunteering or begin an education program if ordered by the court;
- Attend Life Skills, health, employment, family, or educational programs as directed;

- Comply with all terms and conditions of your probation agreement;
- Comply with any other requirements of the MHC program;
- Complete Phase 3 competencies before moving to Phase 4;
- Treatment may also include taking medications as recommended and prescribed your health care professional.

Phase Four -Independent Living: The focus of Phase 4 is to complete any additional treatment programs and to become independent in the community. Treatment may also include taking medications as recommended and prescribed your health care professional. Ongoing support and communication between you and your mental health service provider is encouraged. Phase 4 is a 6 month period and at the completion there is a graduation ceremony to include court documentation dismissing charges (if this was the agreement prior to being accepted into MHC).

- Appear in court monthly; the first court session of every month;
- Be subject to an 11 pm curfew;
- Comply with all terms and conditions of your probation agreement;
- Complete any additional treatment programs;
- Comply with any other requirements of the MHC program;
- Complete any additional treatment programs;

Graduation: Length of the program, including all of the phases is usually 18-24 months. Successful participants will graduate after completing phase 4. Court fees will need to be paid before graduating from the program. You will need to complete the requirements of your treatment plan and demonstrate the ability to live independently. The MHC judge will have the final say as to your readiness to graduate.

Termination from the Program

You may be removed from the MHC program for not following the rules, for not making progress, or for committing a new crime. Once the decision is made to consider removing you from the MHC program you will have a right to a hearing. This hearing will determine whether you will be removed from MHC. If you are removed from the program your original sentence, based upon your original guilty plea or admission to a probation violation could be imposed.

Infractions/Sanctions

Infractions are actions that are against the MHC program.

Infractions include, unexcused absences or tardiness (from MHC or any program appointment), positive alcohol/drug screens, providing a fraudulent or altered urine sample or attendance card, disruptive or disrespectful behavior, failure to attend community based drug/alcohol meetings or a support group, failure to take medications as prescribed, or following your treatment plan, failure to complete a sanction, getting a new arrest, or violating a court order.

Sanctions are disciplinary actions assigned to participants who have not followed the rules of MHC. Sanctions range from writing an essay to going to jail, or being expelled from the program. Each infraction is considered on a case by case basis. The team takes the circumstances into account. For instance, if you miss a treatment session because you were ill and notify the provider ahead of time this will be taken into account verses if you do not call at all and miss the treatment session. Because of this, there may be times when the sanctions seem “unfair” because you were given more punishment for the same offense than someone else. Do not spend much energy comparing your sanction to someone else’s. If you do not know all the circumstances you will not be able to understand the differences. The team will never discuss the circumstances of someone else’s sanction.